

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MORGAN ART FOUNDATION LTD.,

Plaintiff,

- against -

MICHAEL McKENZIE, *et al.*,

Defendants.

Case No. 18-CV-4438 (JLR) (BCM)

**DECLARATION OF ALFRED J. FALZONE IN SUPPORT OF MOTION
TO CONFIRM FINAL ARBITRATION AWARD WITH INJUNCTION**

I, ALFRED J. FALZONE, pursuant to 28 U.S.C. § 1746, hereby declare:

1. I am an attorney associated with the firm Eaton Peabody, counsel to defendant Nathaniel S. Putnam, as successor to James W. Brannan as Personal Representative of the Estate of Robert Indiana (the “Estate”) in the above captioned action as well as the American Arbitration Association (“AAA”) proceeding captioned as *Brannan v. McKenzie et al.*, AAA Case No. 01-19-0001-9789 (the “Arbitration”) before a three-member Panel (the “Panel”). I am a member in good standing of the bar of New York and the bar of this Court.

2. The situs of the Arbitration was New York, New York. An evidentiary hearing took place by Zoom on September 28, 2021, wherein the parties submitted direct testimony by written statement. The Arbitration Panel issued its Final Award on July 14, 2023.

3. Attached as **Exhibit 1** is a true and correct copy of the Panel’s July 14, 2023, Final Award (the “Final Arbitration Award”), which was transmitted to the parties on July 18, 2023.

4. Attached as **Exhibit 2** is a true and correct copy of the Estate’s Amended Demand for Arbitration and Statement of Claim filed in the Arbitration on September 27, 2019.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Portland, Maine
August 15, 2023

/s/ Alfred J. Falzone
Alfred J. Falzone